

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENARD PETERSON,

Petitioner,

Case No. 2:12-cv-11109

v.

Honorable Patrick J. Duggan

PAUL KLEE,

Respondent.

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**OPINION AND ORDER (1) GRANTING PETITIONER’S REQUEST TO  
EQUITABLY TOLL THE LIMITATIONS PERIOD AND (2) DIRECTING  
RESPONDENT TO FILE ANY SUPPLEMENTAL STATE COURT  
RECORD AND A RESPONSIVE PLEADING**

On March 7, 2012 Petitioner Denard Peterson (“Petitioner”), a state prisoner in the custody of the Michigan Department of Corrections (“MDOC”), filed a petition for writ of habeas corpus challenging his 2001 plea-based conviction of criminal sexual conduct in the first degree. Respondent Paul Klee (“Respondent”) moved for summary judgment on September 18, 2012, arguing that the petition should be dismissed as barred by the one-year statute of limitations set forth in 28 U.S.C. § 2244(d)(1). In an Opinion and Order dated June 10, 2013, this Court denied Respondent’s motion. *Peterson v. Klee*, No. 12-11109, 2013 U.S. Dist. LEXIS 80954, at \*15-16 (E.D. Mich. June 10, 2013) (unpublished). Specifically, the Court determined that lingering questions of fact relating to Petitioner’s mental